## II. Remarks

To highlight the distinction of the above referenced invention over the prior art as interpreted by the Examiner in the Office Action of November 21, 2007, Paper No. 20071117, the claims were amended as set forth herein. Claims 16-21 were amended to more clearly define the subject matter of the invention and to place all of the claims remaining in the application in condition for allowance.

In the Office Action, the Examiner rejected independent Claims 16 and 17 under 35 U.S.C. §102(b) as being anticipated by Gariepy et al., U.S. Patent No. 5,355,961. The undersigned attorney respectfully traverses the Examiner's rejection of independent Claims 16 and 17 in view of the amendments presented herein and submitted herewith as well as the following argument.

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. §102 is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As most recently noted by the Court of Appeals of the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick*, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. §102, the Court stated:

> "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Applicant's amended independent Claims 16 and 17 now require:

16. A composite sleeve seal comprising:

a cylindrical body having an outside diameter, an inside diameter, one end portion and an opposite end portion, **said cylindrical body further comprising a plurality of collar sections spaced apart from one another to define a gap between adjacent collar sections**, each said collar section having a central axis coaxially aligned with each other said collar sections, said opposite end portion of said cylindrical body defining ~~a~~ one of said plurality of collar sections having a partial tapered portion along said outside diameter of said cylindrical body, said one end portion of said cylindrical body further defining at least one collar section having said inside diameter and said outside diameter; and

**three link segments spanning said gap interconnecting each of said plurality of collar sections**, said three link segments equally spaced circumferentially apart, **said three link segments circumferentially defining an outermost surface smaller in diameter than said outside diameter of said cylindrical body and an innermost surface greater in diameter than said inside diameter of said cylindrical body to define ~~a~~ at least one first annular outer groove between adjacent collar sections and ~~a~~ at least one first annular inner groove between adjacent collar sections;**

at least one first seal mounted in said at least one first annular outer groove;

**at least one second seal mounted in said at least one first annular inner groove and surrounding said three link segments to interlock said at least one first seal mounted in said annular outer groove and said at least one second seal mounted in said annular inner groove of said cylindrical body to form said composite sleeve seal as one integral component.**

17. A composite sleeve seal for sealing a conduit connection, said composite sleeve seal comprising:

a cylindrical body having an outside diameter, an inside diameter, one end portion and an opposite end portion defining a partial tapered portion along said outside diameter of said cylindrical body, **said one end portion of said cylindrical body defining a plurality of collar sections spaced apart from one another to define a gap between adjacent collar sections, said plurality of collar sections being interconnected by three link segments equally circumferentially spaced and spanning said gap to interconnect each of said plurality of collar sections**;

**said three link segments circumferentially defining an outermost surface smaller in diameter than said outside diameter of said cylindrical body and an innermost surface greater in diameter than said inside diameter of said cylindrical body to define ~~a~~ at least one first annular outer groove between adjacent collar sections and ~~a~~ at least one second annular inner groove between adjacent collar sections;**

at least one first resilient seal member mounted in said at least one first annular outer groove; and

**at least one second resilient seal member mounted in said at least one first annular inner groove, said first and second resilient seal members further mounted contiguous each said plurality of collar sections and surrounding each of said three link segments to interlock said first resilient seal member mounted in said first annular outer groove and said second resilient seal member mounted in said first annular inner groove with said cylindrical body to form said composite sleeve as one integral component.**

Gariepy et al., U.S. Patent No. 5,355,961 does not have a plurality of collar sections spaced apart from one another to define a gap between adjacent collar sections, three link segments spanning the gap interconnecting each of the plurality of collar sections and circumferentially defining a outermost surface smaller in diameter than the outside diameter of the cylindrical body and an innermost surface greater in diameter that the inside diameter of the cylindrical body to define at least one first annular groove between the collar section and at least one first annular inner groove between adjacent collar sections such that a first seal is mounted in the first annular outer groove and at least a second seal is mounted in the first annular inner groove to surround the three link segments so as to interlock the first seal and the second seal to the cylindrical body portion and form a composite sleeve seal as one integral component.

Therefore, in applying the test for anticipation as set forth in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick,* supra, Gariepy et al. does not anticipate

either independent amended Claim 16 or 17. Accordingly, withdrawal of the rejection of independent Claims 16 and 17 under 35 U.S.C. §102(b) is respectfully requested.

The Examiner rejected Claims 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over the teachings of Gariepy et al. in view of Boehm, Jr., U.S. Patent No. 5,456,314. The Examiner also rejected Claims 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over Gariepy et al. and Boehm, Jr. et al. as applied to Claims 18 and 20 above, and further in view of the teachings of Thompson, U.S. Patent No. 2,809,060. Applicant's attorney respectfully traverses each of the 35 U.S.C. §103(a) rejections set forth herein in view of the claims as amended and for the reason that Applicant's invention is not an obvious improvement over the prior art.

With respect to the rejections under 35 U.S.C. §103, it is noted in MPEP Section 706 that the standard of patentability to be followed in the examination of a patent application is that which was enunciated by the Supreme Court in *Graham v. John Deere*, 148 USPQ 459 (1966), where the Court stated:

> "Under Section 103, the scope and the content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved."

Accordingly, to establish a prima facie case of obviousness, the Patent Office must: (1) set forth the differences in the claim over the applied references; (2) set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter; and (3) explain why the proposed modifications would be obvious. To satisfy step (3) above, the Patent Office must identify where the prior art provides a motivating suggestion, inference or

implication to make the modifications proposed in step (2) above. *In re Jones*, 21 USPQ2d 1941(Fed. Cir. 1992).

The mere fact that the prior art may be modified by the Examiner does not make the modification obvious unless the prior art suggests the desirability for the modification. *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1992). In the present case, the Examiner has failed to make a proper prima facie showing of obviousness since the Examiner has failed to show how the prior art suggests the desirability of the proposed modification.

Gariepy et al., U.S. Patent No. 5,355,961, is directed to the problems of sealing a wellhead, particularly, a wellhead that has a metal carrier and carries elastomers for sealing between a casing hanger and a wellhead housing which expands radially. To solve the problems associated in such application, Gariepy et al. teaches a low cost seal that requires relative low amounts of torque to energize. The wellhead housing is conventional and has an axial bore with an inner cylindrical wall wherein an annular recess 15 is formed. A casing hanger 17 is shown landed in the wellhead housing 11. The casing hanger 17 will be secured to the upper end of the string casing (not shown). The casing hanger 17 has an axial bore 19 that is coaxial with the bore of the wellhead housing 11. The casing hanger 17 has an exterior tapered wall 21 that is spaced radially inward from the cylindrical wall 13. The tapered wall 21 is tapered at an angle of about four degrees relative to the axis of bore 19. The tapered wall 21 has a lower end that terminates at an upward facing shoulder 23. The outer diameter of the tapered wall 21 at shoulder 23 is larger than the outer diameter of the upper end of the tapered wall 21. The casing hanger 17 carries a split retaining ring 25. The retaining ring 25 will move from a retracted position to an expanded position shown. In the expanded position, retaining ring 25 engages recess 15. The casing

formed from adjacent spaced apart collar sections which are positively interlocked by linked segments spanning adjacent collar sections within the gap formed from the spaced apart collar sections. Appropriate seals are mounted in the gaps of the collar sections and surround the link segments to interlock the seals with the cylindrical body so as to form a composite sleeve seal as an integral component. With this arrangement, the composite sleeve of the present invention can be positioned between a male tubular member and a female tubular member to create a seal therebetween. Accordingly, no time consuming cost of tube end forming processes, or manufacturing processes are necessary in order to make the O-ring grooves in the male or female components of a tubular seal. Without machine grooves, the tube end forming process is a much simpler and more control of manufacturing process resulting in a higher quality sealed conduit connection.

The differences between Applicant's invention and the prior art references cited by the Examiner in the rejection under 35 U.S.C. §103 are quite clear. The solutions taught by the Gariepy et al. reference are directed to problems associated with wellheads which are completely different than that described in Applicant's invention, in that Applicant's invention is directed to providing a reliable seal between tube connections. If, as the Examiner suggests, the teachings of Gariepy et al. are attempted to obviate Applicant's invention, it is clear from the teachings set forth in Gariepy et al. that the teachings of Gariepy require a seal element that must be able to be deformed in order to properly seal between the wellhead casing and the hanger. Clearly, this is completely contrary to the requirements of the seal of Applicant's invention in that any deformation of the seal in Applicant's invention would result in a leakage between the male and female tubular members intended to be sealed. Accordingly, the teachings of Gariepy et al. are

completely contrary to the teachings of Applicant's invention in that any deformation of the seal as constructed according to Applicant's teachings would create a leak in the tubular connections intended to be sealed according to Applicant's teachings. Further, Gariepy does not teach a seal assembly that is made up of coaxially aligned collar sections defining gaps between adjacent collar sections where seals are located both on the inner and outer diameter so as to build up a composite sleeve seal wherein the collar sections are held together by three circumferentially spaced link members to interlock the seal portions with the body portions and form a complete sleeve seal as an integral component. Also, the fact that Gariepy teaches that the seal assembly is intended to be permanently deformed in the assembly process is completely contrary to Applicant's teachings.

The Examiner further rejected the dependent claims on the basis of the teachings of Gariepy in conjunction the teachings of Boehm, Jr. as wells as Thompson. Clearly, neither Boehm nor Thompson adds any features to the Gariepy et al. reference which would lead one to obviate the invention as taught by Applicant.

It is well settled patent law that the mere fact that a disclosure can some how be combined with other references does not make that combination obvious unless the prior art contains some suggestion of the desirability for combining the prior art reference. Here, the prior art contains absolutely no suggestion whatsoever for combining the references as set forth in the Examiner's rejection to teach the invention as claimed according to Applicant's disclosure. Therefore, it is respectfully suggested that the Examiner is using hindsight reconstruction in an attempt to obviate Applicant's invention after having the benefit of reading Applicant's application. Absent recognition of the problem faced by the Applicant, the prior art cannot possibly suggest,

singularly or in combination, a solution as novel as Applicant's invention. Accordingly, Applicant's invention is an unobvious improvement over the prior art and not an obvious modification of any of the references cited by the Examiner. When viewed singularly or collectively, none of the prior art references teach a integral sealing component which is made up of collars spaced adjacent to each other and integrally connected with linking elements spaced concentrically about the annular collar.

Therefore, Applicant's attorney respectfully requests that the Examiner's rejections under 35 U.S.C. §103 be withdrawn from the claims as amended herein and that a formal Notice of Allowance be issued therefor.

The Commissioner is hereby authorized to charge any deficiency in fee associated with this amendment to the undersigned's Deposit Account No. 22-0212. A duplicate of this page is included.

If the Examiner has any questions with respect to any matter now of record, Applicant's attorney may be reached at (586) 739-7445.

Respectfully submitted,

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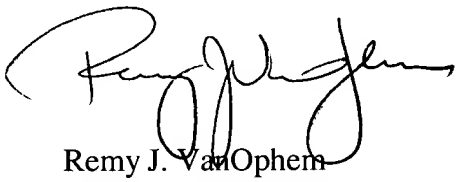

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 21, 2008.

Date: February 21, 2008

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